

NATHAN WALLACE

(Name)

P.O. BOX 5004 AI-215

(Address)

CALIPATRIA, CA. 92233

(City, State, Zip)

*E 63680

(CDC Inmate No.)

ORIGINAL**FILED**

AUG - 5 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

2008	1983
FILING FEE PAID	
Yes	No
Yes	No
BY MOTION FILED	
Yes	No
CONSENT TO	
Court	ProSe

United States District Court
Southern District of California

NATHANIEL WALLACE

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

LARRY SMALLVIRGINIA MYERSELIZABETH BUTLERD.W. BELL

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1426 BEN CAB

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint under the
Civil Rights Act42 U.S.C. § 1983, 1985,
§ 28 USC § 2201-2202
F.D.J.A.**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

28 USCA § 2201-2202 FEDERAL DECLARATORY JUDGMENT ACT**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, NATHAN WALLACE
(print Plaintiff's name)

*E 63680, who presently resides at CAL 4 P.O. BOX 5004 AI-

(mailing address or place of confinement)

215 CALIPATRIA, CALIFORNIA 92233

, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at CAL-4CALIPATRIA STATE PRISON

(institution/place where violation occurred)

on (dates) 12-14-07, 3-10-08, and 4-22-08.

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant LARRY SMALL resides in CALIPATRIA/IMPERIAL,
(name) (County of residence)
 and is employed as a WARDEN. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: INVOLVEMENT INTO UNLAWFULLY DETAINING
PETITIONER IN CUSTODY IN EXCESS OF HIS SENTENCE.
(SUPERVISORY POSITION)

Defendant VIRGINIA MYERS resides in CALIPATRIA/IMPERIAL,
(name) (County of residence)
 and is employed as a CASE RECORDS MANAGER. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: UNLAWFUL DETENTION: OPERATING WITHOUT COMMITMENT
ORDERS TO VERIFY PETITIONERS PROPER SENTENCE, THE SUBJECT SUPERINTEND-
ED AND AUTHORIZED THE ACT OF PRESCRIBING A TERM BY DEFENDANT BUTLER.

Defendant ELIZABETH BUTLER resides in CALIPATRIA/IMPERIAL,
(name) (County of residence)
 and is employed as a CASE RECORDS SPECIALIST. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: UNLAWFUL DETENTION: PERSONALLY PRESCRIBING THE
PETITIONER A TERM OF LIFE FOR THE UNIMPOSED LEGALLY STRICKEN
SUBJECT COUNT (COUNT 4).

Defendant D.W. BELL resides in CALIPATRIA/IMPERIAL,
(name) (County of residence)
 and is employed as a CC2: APPEALS CONDUCTOR/EXMR. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: DELIBERATELY PREVENTING PETITIONER FROM EXERCISING
HIS RIGHT TO PETITION THE COURT WITH REQUEST OF RESOLUTION (PC1381)
AND TO EXHAUST STATE REMEDIES.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: DENIAL OF RIGHT TO PETITION

(E.g., right to medical care, access to courts,

OR ACCESS THE COURT, DUE PROCESS, UNLAWFUL DETENTION & UNUSUAL TREATMENT.
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.] ON 12-14-08 WHILE FUNCTIONING IN THE CAPACITY OF INMATE STATE-PRISONER AT SAID LOCATION, I WAS SUMMONED TO ATTEND A TIME COMPUTATION HEARING I HAD REQUESTED EARLIER THAT YEAR VIA STATE ESTABLISHED REGULATION. THE HEARING WAS CONDUCTED BY THE SUBJECTS WHO IMMEDIATELY BEGAN TO EXPLAIN WHY THE DEPARTMENT HAD NOT YET RELEASED ME GIVEN MY ACCUMULATED GOOD-TIME CREDIT. THE PAIR ASSERTED THAT THE DEPARTMENT BELIEVED THAT THERE WAS A PENDING COUNT WHICH WOULD IMPACT THE STANDING COMMITMENT TO INCLUDE AN INDETERMINATE TERM CALCULATED BY RECORDS STAFF. INSTANTLY I PRODUCED THE CERTIFIED SENTENCING COURT TRANSCRIPT AT VOLUME NINE OF CASE #BAC09423, AND SHOWED THE ENTIRE PANEL THAT THE COUNT TO WHICH THEY SPOKE OF WAS NEVER EVEN IMPOSED IN THE ORAL PRONOUNCEMENT OF JUDGMENT, AND THUS, IS CONSIDERED STRICKEN FROM THE RECORDS. WITH THE APPARENT INDICATION THAT CHARGES WERE PENDING AGAINST ME IN A DETAINER SITUATION STEMMING FROM THE INITIAL COMMITMENT I ASSERTED MY RIGHTS TO SPEEDY RESOLUTION UNDER THE PC1381-6TH AMEND. RIGHT TO DEMAND TRIAL RIGHT THEN TO THE HEARINGS PANEL. THE SUBJECTS COUNTERED WITH POSITIVE FEEDBACK, IN THAT, THEY ELECTED TO GRANT THE PROCEEDINGS AND ACTIONS REQUESTED THEREOF. ACCORDINGLY, THE GRANT ACKNOWLEDGES THAT AN ERROR HAS OCCURRED AND THAT THE GRIEVANT IS ENTITLED TO THE BENEFITS OF GOVERNING LAWS AND STATUTES. AS SUCH SAID APPLICATION WAS FORMALLY SUBMITTED THROUGH INSTITUTIONAL PROCEDURES ONLY TO BE SHORT-STOPPED BY CORRECTIONS COUNSELOR I.E. APPEALS CONDUCTOR, D.W.BELL. HIS REASONING WAS THAT I AM NOT ENTITLED TO ANY RELIEF. PER STATE AND FEDERAL LAW IT IS THE EXPRESSED AND OBLIGATORY DUTY OF THE CDCR TO ACCEPT AND PROCESS SAID APPLICATION ONCE THE SUPPLICANT CAN NAME PARTY WHOSE WARRANT, DETAINER, OR CUSTODY HOLD AFFECTS CONDITIONS OF CONFINEMENT OR RELEASE.

(SEE EX. A)

Count 2: The following civil right has been violated: DOUBLE JEOPARDY AGAINST UNAUTHO-
 (E.g., right to medical care, access to courts,
RIZED SENTENCING, DUE PROCESS, UNLAWFUL DETENTION & UNUSUAL TREATMENT
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
 etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in
 your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant,
 by name, did to violate the right alleged in Count 2.]

ON MARCH 10, 2008, IN THE CAPACITY OF A CASE RECORDS SPECIALIST, THE
DEFENDANT ELIZABETH BUTLER MOVING IN FURTHERANCE OF THE 12-14-07,
CDC 1031 APPEAL GRANT, DID OFFICIALLY HAND DOWN A DECISION PRE-
SCRIBING THE IMPOSITION OF AN INDETERMINATE LIFE SENTENCE FOR THE
FORMERLY UNIMPOSED COCINT 4 OF *BAC09423, TO BE SERVED BY THE
PETITIONER IN CUSTODY UPON THE WRITTEN CDCR DSL WORKSHEET.
THE ACT WAS AUTHORIZED BY DEFENDANT VIRGINIA MYERS.

(SEE EX. B)

Count 3: The following civil right has been violated: UNLAWFUL DETENTION, CRUEL AND USUAL TREATMENT, & INVALID COMMITMENT.
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

ON APRIL 22, 2008, THE DEFENDANT VIRGINIA MYERS EMPLOYED SUBORDINATE D. COUCHMAN TO CONSCRIPT A FORMAL NOTICE ON DEPARTMENTAL LETTERHEAD DIRECTED TO THE TRANSCRIBERS OFFICE ATTESTING TO THE FACT OF CDCR NOT BEING IN POSSESSION OF THE CRIMINAL COMMITMENT ORDERS OF CASE #BA009423, AND ARE THUS UNABLE TO RECORD THE PROPER SENTENCE AS ORALLY PRONOUNCED AGAINST IN CUSTODY PETITIONER.

THESE DOCUMENTS ARE STATUTORILY REQUIRED BY IN THE CUSTODY HOLDING OF ANY INMATE PRISONER UNDER CDCR JURISDICTION AND THE LACK THEREOF EQUATES, AT THE LEAST, AN INVALID COMMITMENT. UNDER THE LAW THE ABSTRACT/MINUTE ORDER IS THE CONTROLLING DOCUMENT IF IT IS VERBATIM TO THE SENTENCING COURTS ORAL PRO- NOUNCEMENT OF JUDGMENT, OTHERWISE, IT DOES NOT CONTROL. HERE, THE SENTENCING TRANSCRIPTS CONTROL BUT THE DEPARTMENT CLAIMS THEY HAVE NONE OF THE CONTROLLING DOCUMENTS.

(SEE EX. C)

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

THE CDCR MANDATES THAT UPON A PREMISE SUCH AS WAS MENTIONED
THE ASKER MUST PURSUE A RESPONSE THROUGH REMEDIAL CHANNELS
OFFERED IN CDCR 1031 & CDCR 643 - PC1381 BOTH OF THESE
ARTICLES ARE WHAT MAKE UP THE ATTACHED EXHIBIT "A".

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): FROM DENYING AND/OR STAGNANTLY HALTING THE PROCESSING OF PC1381 NOTICES FILED WITH THE INSTITUTIONS RECORDS DEPT.
2. Damages in the sum of \$ 97,000,000.00
3. Punitive damages in the sum of \$ \$100 PER DAY
4. Other: A CONJUGAL VISIT, A JOB ASSIGNMENT, LEVEL THREE STATUS \$180.00 AT COMMISSARY, AND FURTHER CUSTODY REDUCTION, ORDER STATE COURT TO HEAR PC1381 FILING UNDER # EHC01017

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

8-1-07
Date

Nathaniel Wallace
Signature of Plaintiff

A

STATE OF CALIFORNIA
CDC 1032 (12/86)

DEPARTMENT OF CORRECTIONS

NOTICE OF TIME, DATE AND PLACE OF COMPUTATION REVIEW HEARING

Your Computation Review Hearing is scheduled for Fri. 8:30 AM.
(TIME)
on 12-14-07 at Program Office
(DATE) (SPECIFIC LOCATION OF HEARING)

CERTIFICATE OF SERVICE

On 12/10/07
(DATE)

I ☒ personally ☐ other _____ served this
(DESCRIBE)

Notice of Hearing.

by J. M. [Signature] CCIP 12/10/07
(SIGNATURE) (TITLE) (DATE)

ACKNOWLEDGEMENT OF SERVICE

I, X Wallace, II. hereby acknowledge on 12/10/07
(SIGNATURE OF INMATE/PAROLEE) (DATE)

receipt of the Notice of Hearing.

X Wallace, II. 63680 CAL
INMATE/PAROLEE NAME CDC NUMBER INST/REGION

DISTRIBUTION: ORIGINAL A. [Signature] CENTRAL FILE
COPY — INMATE/PAROLEE

STATE OF CALIFORNIA
CDC 1033 (8/88)

DEPARTMENT OF CORRECTIONS

COMPUTATION REVIEW HEARING DECISION

DOCUMENTS REVIEWED

- ☐ Sentencing Transcript
- ☐ Abstracts of Judgment/Minute Orders
- ☐ POR
- ☐ Time Cards/Classification Chronos
- ☐ OBIS Printout
- ☒ Central File
- ☒ Other additional documents sent to Wallace by
court

REASONS/COMMENTS

A review of Central File E63680, Wallace was conducted.

I/M Wallace requested Base Records review additional documents for discrepancy + ref. to LPD.

Received copies of all abstracts (3) in C-File.

DECISION

- ☒ Appeal Granted
- ☐ Appeal Denied

If you are dissatisfied with your Computation Review Hearing Decision you may request a Third-Level Review.

PANEL HEARING CASE

HEARING PERSON <u>Virginia Myer</u>		TITLE <u>CCRM</u>	
INMATE/PAROLEE <u>Wallace, M.</u>	CDC NUMBER <u>E63680</u>	INST/REGION <u>CAL</u>	HEARING DATE <u>12-14-2007</u>

DISTRIBUTION: ORIGINAL — CENTRAL FILE
COPY — INMATE/PAROLEE

STATE OF CALIFORNIA
CDC 1031 (8/88)

DEPARTMENT OF CORRECTIONS

ACKNOWLEDGEMENT OF RECEIPT**I. NOTICE OF RIGHT TO REQUEST A COMPUTATION REVIEW HEARING**

Your administrative appeal has been reviewed by departmental staff at the informal level. In that appeal you alleged an issue which may adversely affect your term of confinement or period of parole. You may now request a Computation Review Hearing if you do not agree with the findings.

Computation Review Hearing

Whenever an inmate/parolee files an administrative appeal which sets forth a specific, clearly stated claim regarding an alleged error which adversely affects a term of confinement or period of parole, and that appeal is reviewed at the informal level, the inmate/parolee may then request a Computation Review Hearing if he/she is not satisfied with the findings. This hearing will be conducted as the second level of review of the inmate's/parolee's administrative appeal, and will afford full due process protections.

* The only issue to be determined at a Computation Review Hearing is whether or not an error has been committed which adversely affects a term of confinement or period of parole.

If it is determined at the hearing that an error has occurred, departmental staff shall grant the appeal and correct the error or refer the matter to the attention of the appropriate agency or departmental staff for disposition. If it is determined that there is no error, the appeal will be denied.

If you wish to request a Computation Review Hearing, you must so state in Section D of your CDC-602, Inmate Appeal Form. This form should then be given to your Institution/Parole Region Appeals Coordinator for processing. You will be notified when a hearing has been scheduled.

II. COMPUTATION REVIEW HEARING RIGHTS

Prior to or at a Computation Review Hearing, an inmate/parolee shall be afforded the following:

- The right to be notified in writing as soon as possible of the date, time and place at which the Computation Review Hearing will be conducted.
- The right to review pertinent nonconfidential documents in his/her Central File before the hearing, and the opportunity to enter a written response to any material in the file.
- The right to be present at the hearing and/or to speak on his or her own behalf, and to ask and answer questions.
- The right to present relevant documents to the hearing panel.
- The right to have the hearing conducted by a fair and impartial hearing panel.
- The right to the assistance of an interpreter if he or she does not understand English. The Department shall provide an interpreter at state expense.
- The right to staff assistance.
- The right to receive written notice of any decision made, the information considered, and the reasons for the decision.
- The right to appeal a Computation Review Hearing decision as provided in the Department's Administrative Manual (Chapter 7300).

III. ACKNOWLEDGEMENT

I hereby acknowledge receipt of "Notice of Right to Request a Computation Review Hearing" and "Computation Review Hearing Rights" form.

[Signature] _____
Signature of inmate/parolee CDC Number

12/10/07
Date

[Signature] _____
Signature of Employee Inst./Region

12/10/07
Date

(Print Last Name) Mudra

☐ Yes ☒ No
Interpreter Required

DISTRIBUTION: ORIGINAL — CENTRAL FILE
COPY — INMATE/PAROLEE

STATE OF CALIFORNIA

NOTICE AND DEMAND FOR TRIAL

CDC 843 (4/88)

DEPARTMENT OF CORRECTIONS

TO THE DISTRICT ATTORNEY, EL CENTRO/IMPERIAL COUNTY, State of California.Please take notice that I, NATHANIEL WALLACE, Inmate # E63680of CALIPATRIA (NAME OF INSTITUTION) was convicted of the crime of COUNT FOUR: 664187 (CDC NUMBER)in L.A. County, CALIF (STATE), and was sentenced by saidon or about 7-24-, 19 90 to a term of NO TERM IMPOSEDI have reason to believe that the following criminal action is now pending against me in IMPERIAL County.CHARGES: COUNT FOUR: 664187 WARRANT #: BA009423COURT (Location): CDCR-CAL4 PRISON ARRESTING AGENCY: CDCR-CAL4 PRISON

I HEREBY DEMAND A HEARING AND TRIAL OF SAID CRIMINAL ACTION AS PRESCRIBED BY SECTION 1381 OF THE PENAL CODE OF CALIFORNIA.

DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
6-4-68	M	A	6	220	BLK	BRN

INSTITUTION NAME AND ADDRESS WHERE INCARCERATED: WARDEN SCRIBNER CALIPATRIA PRISON 7018 BLAIR ROAD CALIPATRIA, CA. 92233 (760) 398-7000	OTHER NAMES (Aliases) USED:
--	-----------------------------

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

INMATE'S SIGNATURE

Nathaniel Wallace

DATE:

12-18-07

CII NUMBER:

THIS PORTION IS TO BE DETACHED BY THE DISTRICT ATTORNEY'S OFFICE AND RETURNED TO THE CASE RECORDS OFFICE OF THE INSTITUTION WHERE INMATE IS INCARCERATED.

I, _____, District Attorney of the
County of _____, State of California, do hereby acknowledge receipt
of NOTICE AND DEMAND FOR TRIAL, dated _____ by _____

Inmate # _____, of _____

DISTRICT ATTORNEY

STATE OF CALIFORNIA, COUNTY OF: _____

DATE: _____

RECEIPT TO BE RETURNED TO: CASE RECORDS OFFICE

NAME OF INSTITUTION: Calipatria PrisonADDRESS: 7018 Blair RoadCalipatria, Ca. 92233(760) 398-7000

B

MEPD CALCULATION FOR LIFERS WITH CONSECUTIVE D-TERMS RECEIVED
AFTER 2-16-1989 OR NOT AFFECTED BY IN RE INIGOLD

CAL

A 07 01 9 29

DSL TERM

1. TERM START DATE 7-27-1990 + PLUS DSL TERM 22Y. 8M. = BASE DATE 3-27-2013
(RECEIVE DATE)
2. MINUS PRECONFINEMENT CREDIT 349
(PRECONFINEMENT = PRESENTENCE + POSTSENTENCE)
3. EQUALS MAX DSL = 4-12-2012
4. MINUS VESTED CREDIT 1
(1/2 POSTSENTENCE CREDIT)
5. ADJUSTED MAX DSL = 4-11-2012
6. MINUS NET CREDIT EARNED 1573 1410
(NET CREDIT = CREDIT EARNED - CREDIT LOSS + CREDIT RESTORED) = 163
7. CURRENT RELEASE DATE ON DSL TERM = 10-31-2011
8. MINUS DATE CREDIT APPLIED THROUGH 3-3-1999
9. DAYS LEFT TO SERVE = 4625
10. DIVIDE DAYS TO SERVE BY CURRENT WORK GROUP = 2312
(A1;2.A2;3.3;3.D1;3.U;3. ROUND DOWN)
11. CURRENT RELEASE DATE ON DSL TERM (A-7) 10-31-2011
12. MINUS (A-10) 2312
13. PROJECTED EARLIEST DATE DSL TERM COULD END AND
15/25-LIFE OR 7/9-LIFE TERM BEGINS = 7-2-2005

CALCULATION FOR LIFE SENTENCE WITH 7/9 OR 15/25 YEAR MEPD

1. LIFE TERM START DATE (A-13) 7-2-2005
2. PLUS LIFE TERM (15/25 OR 7/9 YRS) 7 yrs.
3. PROJECTED MAX ELIGIBLE PAROLE DATE = 7-2-2012
(STOP HERE FOR 7/9 YEARS TO LIFE CALCULATION)
4. MINUS LIFE TERM START DATE (B-1)
5. DAYS IN CUSTODY ON WHICH GTC MAY BE EARNED
6. DIVIDE B-5 BY 3 EQUALS GOOD TIME CREDIT (round up) ÷ 3 =
7. PROJECTED MAX ELIGIBLE PAROLE DATE (E-3)
8. MINUS GOOD TIME CREDITS (B-6)
9. EQUALS MINIMUM ELIGIBLE PAROLE DATE (MEPD)

PC/BC CALCULATION (PC/BC CALCULATION APPLICABLE ONLY FOR 15/25YRS)

1. B-6 DIVIDED BY 4 = PC _____
2. C-1 MULTIPLIED BY 3 = BC _____

DOC: 7/2008INITIAL: 6/2011E63680
JC NUMBERWallace, N.
NAMECAL
INSTITUTION3-10-08
DATEE. BURER/CERSA
CCR SPECIALIST

C

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONS

CRIMINAL AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Calipatria State Prison

P.O. Box 5001, 7018 Blair Road

Calipatria, CA 92233



April 22, 2008

5/8/2008

TRANSCRIBER'S OFFICE

111 N. HILL ST., RM. 234

LOS ANGELES, CA 90012

attn: Scott Barber
Fax (213) 346-9018

ATTN: CERTIFICATION

RE: Name: WALLACE, NATHANIEL

CDC: E63680

Case#: BA009423

Dear Clerk of the Court:

The above identified subject has been sentenced to the California Department of Corrections from your county. We have not received the following document(s) on the above case. It is of the utmost importance that these documents are received to properly record the commitment.

- () Information/Charging Document of Complaint
- () Probation Officer's Report
- () Arrest Report/Investigating Agency Report
- (X) **Certified** copy of the Abstract of Judgement- Commitment/Minute Order (DATED 10-27-92)
- (X) Transcript of proceedings at the time of sentencing
- () Statement by Judge and District Attorney pursuant to Penal Code section 1203.1

Your cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Couchman", is written over a horizontal line.

D. COUCHMAN, OA(T) for

V. MYERS

Correctional Case Records Manager

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, NATHAN WALLACE DECLARE UNDER PENALTY OF PERJURY
THAT: I AM THE PETITIONER IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS _____ DAY OF: _____ 2008 AT CALIPATRIA
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)

Nathaniel Wallace

(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, NATHAN WALLACE AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY
OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002.
CALIPATRIA, CALIFORNIA #92233-5002.

ON _____ 2008 I SERVED THE FOREGOING: 28 USCA 2201-2202
FDJA # 1983, 1985. 42 USCA

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED
AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

COURT CLERK
SO. DIST. CRT.
880 FRONT ST.
SAN DIEGO, CA.
92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: _____

Nathaniel Wallace

(DECLARANT PRISONER)

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Nathaniel Wallace

Small, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Imperial

RESIDENCE OF FIRST LISTED DEFENDANT
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

2134 1983

FILED

Yes ☒ No ☒

IF MOTION FILED

Yes ☒ No ☒

CONSENT TO

Court ☒ No ☒

FILED

AUG - 5 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

NOT IN U.S. AND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nathaniel Wallace
PO Box 5004
Calipatria, CA 92233
E-63680

ATTORNEYS (IF KNOWN)

'08 CV 1426 BEN CAB

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 8/5/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller